

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRAUN GmbH,

Plaintiff,

v.

REMINGTON PRODUCTS COMPANY,
LLC,

Defendant.

Civil Action No. 03-CV-12428-WGY

MOTION TO AMEND THE COMPLAINT

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff Braun GmbH (“Braun”), respectfully requests leave of the Court to amend its Complaint. The First Amended Complaint is attached hereto as Exhibit 1. In support of its motion, Braun states as follows:

1. On December 3, 2003, Braun filed its Complaint, alleging that Defendant Remington Products Company, LLC (“Remington”) infringed its patents as a result of its sale, offer for sale, manufacture, and/or importation of the Titanium Smart Shaver, a cleaning device for rotary dry shavers.

2. On August 2, 2004, Braun filed a Motion To Correct Inventorship to add Dr. Dietrich Pahl as an co-inventor on the patents-in-suit.

3. On August 24, 2004, the Court converted Braun’s Motion To Correct Inventorship into a Motion To Amend The Complaint and granted the motion so converted.

4. In or about September 2004, Braun obtained a sample of a new product that Remington was introducing, also called the Titanium Smart Shaver.

5. This new product is a cleaning device for foil shavers. The design of the product is identical in all material respects to the rotary shaver cleaner, which Braun had already informed Remington infringed. Nonetheless, despite Remington's knowledge of Braun's position and of Braun's patents-in-suit, Remington introduced this new product into the market.

6. Remington's new foil shaver cleaner also infringes Braun's patents-in-suit.

7. Thus, Braun seeks leave to amend its Complaint to add allegations related to the infringement by Remington's new product.

Wherefore, Braun respectfully requests leave of the Court to file an Amended Complaint.

Braun GmbH

By its attorneys,

/s/ Dalila Argaez Wendlandt
William L. Patton (BBO #391640)
Dalila Argaez Wendlandt (BBO #639280)
Lesley F. Wolf (BBO #651199)
ROPES & GRAY LLP
One International Place
Boston, MA 02110-2624
(617) 951-7000

Attorneys for Plaintiff

Dated: September 13, 2004

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that I, as counsel for Plaintiff, in a good faith attempt to confer pursuant to Local Rule 7.1, spoke with counsel for Defendant on September 10, 2004. As of the time of filing this motion, counsel for Defendant had not responded as to whether Remington would consent to the motion.

/s/Dalila Arguez Wendlandt
Dalila Arguez Wendlandt

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2004, I caused a copy of the Motion To Amend the Complaint to be served as follows:

By Hand:

Thomas E. Dwyer, Jr.
Dwyer & Collora, LLP
600 Atlantic Avenue
Boston, MA 02110-1122

Via Facsimile and Overnight Courier:

Mark A. Pals
Kirkland & Ellis, LLP
Aon Center
200 E. Randolph Drive
Chicago, IL 60601

/s/Dalila Arguez Wendlandt

Dalila Arguez Wendlandt